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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/032,213 | 12/21/2001 | Houssam Salloum | 15354 | 3461 |
| 4859 | 7590 | 09/22/2006 | EXAMINER | |
| MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FIFTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619 | | | | GILLIGAN, CHRISTOPHER L |
| ART UNIT | | PAPER NUMBER | | |
| | | | | 3626 |

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/032,213 | SALLOUM, HOUSSAM | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/16/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

Claims 1-20 have been examined.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Independent claims 6 and 13 recite a "system...comprising the steps of:" followed by a series of steps. Claims 6 and 13, therefore, recite both a system and a method of using that system. A claim reciting an apparatus and a method of using that apparatus renders the claim indefinite because it does not apprise a person of ordinary skill in the art of its scope, and thus is invalid under 35 U.S.C. § 112, paragraph 2. See *IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377, 83-84 (Fed. Cir. 2005).

4. Claims 7-12 and 14-20 are rejected for the same reasons as claims 6 and 13 through dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Art Unit: 3626

6. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by UPS Press Release, UPS Advances E-commerce Strategy With Next-Generation Web Tools (hereinafter UPS Press Release 1, cited in the IDS filed 4/16/02).

7. As per claim 1, UPS Press Release 1 discloses a computerized system for selecting a cargo carrier and arranging transportation for cargo, the system comprising: a host computer system having access to data of each of a plurality of cargo carriers, the data representing cargo transportation options available from each of the cargo carriers (see paragraphs 1 and 6, the Examiner considers different UPS service levels to be different cargo carriers); Internet access means connecting the host computer system to a user (see paragraph 1); means in the host computer system for prompting the user for and receiving from the user information concerning cargo to be transported and transportation preferences (see paragraphs 6-10); and means in the host computer system for comparing the user information with the available cargo transportation options and sending to the user at least one of the available cargo transportation options best matching the user information.

8. As per claim 2, UPS Press Release 1 discloses the system of claim 1 as described above. UPS Press Release further discloses the data of a cargo carrier is electronically delivered to the host computer system (see paragraph 2).

9. As per claim 3, UPS Press Release 1 discloses the system of claim 1 as described above. UPS Press Release 1 further discloses the host computer system is linked to a computer system of each of the cargo carriers by an Internet link for accessing the cargo carrier data (see paragraph 2).

10. As per claim 4, UPS Press Release 1 discloses the system of claim 1 as described above. UPS Press Release 1 further discloses the data from the cargo carriers includes at least

Art Unit: 3626

one of marine, air, and land cargo options (see paragraph 6, it is noted that it is well known that UPS includes at least land and air cargo options).

11. As per claim 5, UPS Press Release 1 discloses the system of claim 1 as described above. UPS Press Release 1 further discloses software of the host computer system receives the information input from the user and sends the available cargo transportation options to the user in an interactive manner (see paragraph 2).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over UPS Press Release, UPS Advances E-commerce Strategy With Next-Generation Web Tools in view of Bowman, A paperless world (hereinafter Bowman, cited in the IDS filed 4/16/02).

14. As per claim 6, UPS Press Release 1 discloses a system for arranging for cargo transportation by a selected cargo carrier comprising the steps of: providing a host computer system (see paragraph 1); linking cargo carrier computer systems of a plurality of cargo carriers to the host computer system, each cargo carrier computer system having data representing cargo transportation options available from the associated cargo carrier including departure, arrival and space availability information (see paragraphs 5, 6, and 10); accessing the host computer system through an internet connection (see paragraph 1); transmitting information from a user to the host computer system about cargo that is to be transported and transportation preferences (see paragraph 2); and comparing in the host computer system the user

information and the available cargo transportation options and sending to the user at least one of the available cargo transportation options and sending to the user at least one of the available cargo transportation options best matching the user information (see paragraphs 5, 6, and 10).

15. Although it is well known that UPS provides a variety of cargo carrying options, such as land, air, etc, the references does not explicitly specify that each of these options are linked through the system. However, Bowman discloses a variety of cargo carrying options, including air, land, and sea, and their corresponding automated processing of automated cargo transportation information (see paragraphs 12-14, and 22). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the linking of such a variety of cargo transportation mechanisms into the system disclosed in the UPS Press Release. One of ordinary skill in the art would have been motivated to incorporate such mechanisms for the purpose of expanding the tools developed by UPS to well known cargo transportation mediums (see paragraph 1 of UPS Press Release 1).

16. As per claim 7, UPS Press Release 1 in view of Bowman discloses the system of claim 6 as described above. UPS Press Release 1 further discloses the step of booking transportation of the cargo through the host computer system to the cargo carrier computer system of the one of the cargo carriers selected by the user after receiving the at least one of the available cargo transportation options best matching the user information (see paragraphs 5-6).

17. As per claim 8, UPS Press Release 1 in view of Bowman discloses the system of claim 7 as described above. UPS Press Release 1 further discloses a step of tracking the cargo during its transportation by the selected cargo carrier after the step of booking transportation (see paragraph 5).

18. As per claim 9, UPS Press Release 1 in view of Bowman discloses the system of claim 6 as described above. UPS Press Release 1 further discloses the data of the cargo carrier computer systems also includes price and payment information (see paragraph 6).

19. As per claim 10, UPS Press Release 1 in view of Bowman discloses the system of claim 6 as described above. UPS Press Release 1 further discloses the data of the cargo carrier computer systems also includes agent information (see paragraph 11).

20. As per claims 11 and 12, UPS Press Release 1 in view of Bowman discloses the system of claim 6 as described above. UPS Press Release does not explicitly disclose that data of the cargo carrier computer systems includes bill of lading information or customs information. However, Bowman further discloses that data of cargo carrier computer systems also includes bill of lading information (see paragraph 22) and customs information (see paragraph 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such data into the system disclosed by UPS Press Release. One of ordinary skill in the art would have been motivated to incorporate such data for the purpose of including data that is necessary for international cargo transportation because UPS is a well known international cargo shipper.

21. Claims 13-20 recite substantially similar limitations to those already addressed in claims 1-12 and, as such, are rejected for similar reasons as given above.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Barni teaches a web-based system for matching customers with freight and cargo carriers.

Art Unit: 3626

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.
24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/18/06



C. LUKE GILLIGAN
PATENT EXAMINER